

**Submission
No 181**

**INQUIRY INTO EDUCATION AMENDMENT (ETHICS
CLASSES REPEAL) BILL 2011**

Organisation: NSW Department of Education and Communities

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Inquiry into the Education Amendment (Ethics Classes Repeal) Bill 2011

Background

Special religious education has been offered in public schools since 1848. Data taken from the 1901 census indicates that only 0.4% of the population identified as having 'no religion'. More recent data taken from the 2006 census showed that those identifying as 'no religion' had risen to 18.7%.

Government school enrolment figures from January 2011 indicate that nearly 20% of parents identified as 'no religion' with a further 15% identifying with an 'unknown or unstated religion'. The *Education Act 1990* provides parents with the option to exempt their child from attending special religious education classes in schools.

Section 33 Objection to religious education

No child at a government school is to be required to receive any general religious education or special religious education if the parent of the child objects to the child's receiving that education.

Parents who choose for their children not to attend special religious education do so for a number of reasons:

- they identify as no religion
- the religion they identify with does not offer special religious education within the school
- they do not elect for their children to attend the special religious education class for their particular persuasion.

Special education in ethics in NSW public schools Timeline

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| 1994 | St James Ethics Centre was approached by a member of the Public Education Council to investigate the establishment of an ethics course for students not attending special religious education. |
| 2003 | The Executive Director of St James Ethics Centre, communicated with the then NSW Department of Education and Training to ascertain which legislation and policies, if any, would impact on the introduction of an ethics program. The Department advised that ethics did not fall within s32(1) of the <i>Education Act 1990</i> . |

A proposal advocating the introduction of ethics classes was developed by the St James Ethics Centre and forwarded to the Department. The proposal was not accepted by the Department.

- 2005 A motion was put to the Annual Conference of the Federation of Parents and Citizens' Associations of NSW to provide an ethics course for students not attending special religious education.
Recommendations from the 2005 Annual Conference of the Federation of Parents and Citizens' Associations of NSW were:
- (55) That it is the right of students whose families choose to exclude them from special religious education to have access to an alternative ethics program approved by the then Department of Education and Training.
- (56) That the Department of Education initiates with the NSW Board of Studies the development of an ethics education syllabus for voluntary implementation in NSW public schools. The syllabus to complement the religious teachings currently offered in special religious education but to have a non-theological basis.
- (57) That in order to fulfil supervision requirements, supplementary staffing be provided by the Department of Education and Training to schools that choose to implement the approved ethics program as an alternative to special religious education.
- The Federation of Parents and Citizens' Associations of NSW sought a meeting with the Minister for Education in September to discuss a proposed ethics program.
- 2006 During question time in the Legislative Council on 25 October 2006 the Hon Lee Rihannon asked the question, 'Has the DET or the Minister received any requests from parents, Parents and Citizens' Associations of NSW or the Federation of Parents and Citizens' Associations, for ethics, comparative religion or philosophy courses to be taught as an alternative to scripture?'.
The Minister for Health, representing the then Minister for Education and Training responded, 'The Minister has received 15 and the Department two requests over the last three years for an alternative provision during time set aside for special religious education'. One of these requests was from St James Ethics Centre (page 358 Legislative Council Questions and Answers No. 24 25 October 2006).
- 2009 In March the *Director-General's Consultative Committee on Special Religious Education* discussed the introduction of ethics as an option for students not attending special religious education.
- 2009 The St James Ethics Centre requested Ministerial approval to conduct a pilot program in ten schools during Term 2, 2010.
In July the Federation of Parents and Citizens' Associations of NSW endorsed unanimously the pilot study developed by St James Ethics Centre (Sydney Morning Herald 26 November 2009).

In September the Minister was given a formal proposal from both St James Ethics Centre and the Federation of Parents and Citizens' Associations of NSW for an ethics trial.

In November, the then Premier, The Honourable Nathan Rees MP, announced the approval of a trial ethics program as an alternative to special religious education. The trial was planned to involve students from Years 5 and 6 in ten schools over two terms.

Ethics Trial

A trial ethics course was conducted by St James Ethics Centre in partnership with the Federation of Parents and Citizens' Associations of NSW during Term 2, 2010. Ten schools self-nominated to participate in the trial:

- Baulkham Hills North Public School
- Bungendore Public School
- Crown Street Public School
- Darlinghurst Public School
- Ferncourt Public School
- Haberfield Public School
- Hurstville Public School
- Leichhardt Public School
- Randwick Public School
- Rozelle Public School

In December 2009 an Ethics Trial working party was established to develop an approach to the trial. This working party had representation from the Department, St James Ethics Centre and the University of NSW.

A copy of the curriculum used in the trial was provided to the Board of Studies NSW for comment. The Board acknowledged the age appropriateness of the curriculum. An independent evaluation of the ethics trial was undertaken by Dr Sue Knight, from the University of South Australia. Dr Knight was chosen for her appropriate academic qualifications and expertise in philosophy for children. A copy of the The NSW Ethics Course Trial Final Report, October 2010 is attached.

Legislation

On 26 November 2010 the government passed the *Education Amendment (Ethics) Bill 2010* allowing ethics classes as a secular alternative for those students not attending special religious education classes. The new legislation, Section 33a of the *Education Act 1990*, allows for special education in ethics as an alternative if:

1. the parent of a child has objected to their child receiving special religious education
2. it is reasonably practicable for special education in ethics to be available
3. the parent requests that their child receive special education in ethics.

The legislation also states that a government school cannot be directed not to make special education in ethics available at the school.

Implementation

In 2011 the St James Ethics Centre established Primary Ethics as a separate organisation to assist in the delivery of ethics classes in NSW government primary schools.

At the commencement of the 2012 school year Primary Ethics had sufficient community volunteers and coordinators to enable 210 weekly ethics classes for approximately 3100 students in Years 5 and 6 in 150 primary schools. Of the schools currently offering ethics classes 62% are located in metropolitan NSW, 26% in regional areas and 12% in rural and remote locations. Both Primary Ethics and smaller religious providers experience difficulties finding a critical mass to viably conduct classes in regional areas. No religious persuasion is covered universally across the whole state.

All interested parents and schools wishing to start ethics classes at their school are encouraged to approach Primary Ethics via its website. Schools must consult with their school community to ascertain interest in the ethics program. The final decision to run ethics classes lies with the school principal. The principal will need to consider whether:

- Primary Ethics has appointed a coordinator for their school
- trained volunteer teachers are available
- there are sufficient students to establish a class
- an appropriate teaching space is available.

Curriculum

Consistent with the providers of special religious education persuasions, the development and implementation of the ethics curriculum is the responsibility of Primary Ethics. The government's response to the trial ethics course re-iterated that '*St James Ethics Centre will be responsible for all aspects of the delivery of the course, training volunteers to teach the course and providing the resources required to provide the course*'.

All providers, both in special religious education and ethics, are required to provide an annual assurance to the Department that the authorised teachers are only delivering materials and pedagogy authorised by them. They also must assure the Department that they will provide information about the content of the lessons when requested by parents or the principal of the school.

The current Primary Ethics' curriculum covers Year 5 and Year 6. Primary Ethics has consulted with the Department, academics and teachers during the development of the curriculum.

The Department's role in the development of the curriculum is to ensure that the curriculum meets current policy and practices. The Department also provides feedback regarding the age appropriateness of course content. All feedback to date has been acknowledged and incorporated into subsequent drafts. The Department met with Primary Ethics on 1 July and 22 December 2011 to discuss the curriculum.

The Department has copies of all Primary Ethics curriculum. Copyright issues preclude the Department from releasing these documents to third parties. A copy of the curriculum can be requested from Primary Ethics.

Public opinion

There has been significant community and media debate about the introduction of ethics classes. A petition with 626 signatures supporting the removal of ethics classes was tabled by the leader of the Christian Democrats on 8 November 2011.

Initially many religious faith groups voiced their opposition to ethics classes. Since this initial concern, major denominations have spoken in favour of ethics classes in schools.

The Anglican Education Commission has been supportive of retaining the current arrangements where ethics classes are offered as an alternative to special religious education. Dr Bryan Cowling from the Anglican Education Commission has stated that, 'The current arrangements must be allowed testing and fine-tuning...it would be most unhelpful if they were disrupted so early in the life of the new legislation.' (Press release, 21 July 2011).

The Catholic Conference of Religious Education in State Schools has been supportive of ethics classes as an alternative to special religious education. Jude Hennessy, spokesman from the Catholic Conference of Religious Education in State Schools, has stated, 'The implementation of ethics classes in a limited number of school communities has had little impact on the teaching of SRE.' (SMH, 21 July 2011).

Presbyterian Youth has also been supportive of retaining ethics classes as an alternative to special religious education. Murray Norman from Presbyterian Youth has stated that, 'We're very happy with the policy settings you've put in place and the way the Ethics course has been rolled out.' (Email, 20 July 2011).

The Term 3, 2011 meeting of the Director-General's Consultative Committee on Special Religious Education also agreed that classes in ethics were not posing a threat to special religious education in schools.

Students who have attended ethics classes have also expressed gratitude for the opportunity to discuss issues in a philosophical framework. Charlie Fine, a 10-year old, wrote a letter to the editor of the Sydney Morning Herald (1 August 2011) stating that Fred Nile's 'views are out of step with modern society, so I would ask you to reconsider your actions and continue to allow parents and children a choice in their classrooms'.

A Special Religious Education Celebration is being organised for the 29 March 2012 at Parliament House to affirm the place of special religious education in NSW public schools.

Progress on recommendations from The NSW Ethics Course Trial Final Report

The Government (November 2010) accepted five of the six recommendations of the NSW Ethics Course Trial Final Report.

RECOMMENDATION 1

Should the decision be made to offer an ethics-based complement to SRE more widely, it is recommended that the trial ethics course evaluated in this report be adopted, subject to qualifications expressed in Recommendations 2 and 3.

Recommendation one has been adopted.

RECOMMENDATION 2

That in any future iterations of this course:

- a. *each topic be taught over two or more consecutive weeks; and*
- b. *in relation to this expanded time frame, that the curriculum materials be modified to include specific guidance in teaching for a process of reason- evaluation.*

Primary Ethics has reviewed the curriculum used for the trial and has expanded the time frame for the topics/scenarios to be taught over two or more consecutive weeks.

The Primary Ethics is providing support to volunteers on pedagogy and best practice for teaching a process of reason.

Primary Ethics is currently developing a draft curriculum for Kindergarten to Year 4 levels.

RECOMMENDATION 3

That in any future iteration of the course, training be extended in order to allow for:

- a. *a consideration of the issues around moral relativism;*
- b. *an opportunity for volunteers themselves to facilitate ethical inquiry lessons within the training sessions; and*
- c. *a greater focus on behaviour management techniques.*

Primary Ethics' training program for volunteers has been revised and an online forum to encourage volunteers to explore ethical dilemmas with peers has been established. Primary Ethics is currently developing a module on behaviour management techniques.

RECOMMENDATION 4

Should a decision be made to offer the ethics course more widely across the state, it is recommended that the Department of Education and Training engage in dialogue with the St James Ethics Centre regarding the management of this roll-out.

The Department has engaged in dialogue with Primary Ethics during the first year of implementation and will continue to provide implementation support as is currently offered to authorised providers for special religious education.

RECOMMENDATION 5

That in the event of a wider roll-out of an ethics-based complement to Special Religious Education:

- a. the ethics-based complement to scripture be described as a course in philosophical ethics, or equivalently, a moral philosophy-based course, or given some such name in order to make clear the boundaries of its content;*
- b. a group of independent experts be established at the discretion of the Minister, to oversee:

 - i. the formulation of criteria to ensure that any ethics course conducted during Special Religious Education time has as its content the subject matter of Ethics as a branch of Philosophy, and against which applications for the provision of such courses could be considered; and*
 - ii. the assessment of such applications, and subsequent recommendations to the Minister;**
- c. that a consultative committee be established to allow regular meetings between ethics providers, the DET and other stakeholders to discuss issues of common concern.*

The draft Religious Education Policy and supporting documentation clearly describe the branch of ethics.

Special education in ethics is education in ethical decision making, action and reflection within a secular framework, based on a branch of philosophy.

A draft Terms of Reference and committee membership list for a consultative committee for ethics providers has been proposed. A process for organisations to be considered as approved providers of ethics is being established.

RECOMMENDATION 6

That information about SRE curricula and other such courses at individual schools be made available to parents/carers in the form of fact sheets to mirror the DET fact sheets for parents on Gender or Drug education. The fact sheets should provide no more than a summary of the aims and processes of the different SRE offerings, and each summary should be no more than two paragraphs in length. It might be useful for the DET to design a template for this purpose.

Recommendation 6 of the NSW Ethics Course Trial Report was not implemented as it was outside the Terms of Reference of the evaluation.

Policies and procedures

On 9 December 2010, a memorandum was distributed to principals, providing guidance on the introduction of ethics classes.

A review of the Religious Education Policy and accompanying guidelines is currently being undertaken by the Department to incorporate the changes regarding ethics. To ensure appropriate implementation of ethics classes while the policy and procedures are under review, regional contacts for special religious education and ethics have been provided with information to support implementation of ethics and special religious education.

Volunteers

Lessons in ethics are taught by volunteers recruited and trained by Primary Ethics. As with all volunteers in the school environment, all ethics volunteers must adhere to the child protection requirements.

Primary Ethics is required to provide the Department each year with a signed assurance that their volunteers have all been appropriately screened, similar to approved religious providers. This assures the Department that an organisation fulfils the requirements under the *Commission for Children and Young People Act 1998*. Volunteers are required to complete the Volunteer/Student Declaration as required under the *Commission for Children and Young People Act 1998* and undergo a police check.

Successful applicants are provided with a preliminary two day face-to-face training course and follow-up training and support activities as and when required. Volunteers are also provided with an online collaboration environment, to be used for discussion on issues pertaining to the ethics course including implementation and pedagogy.

Implementation of ethics classes around Australia and internationally

NSW is the first Australian state to trial philosophical ethics as an alternative to special religious education.

Philosophical ethics is being drawn on in the development of the Ethical Behaviour and Critical and Creative Thinking general capabilities in the Australian Curriculum. The Australian Curriculum Assessment and Reporting Authority has indicated that religion and ethics will be included in the discussion paper for the civics and Citizens'hip course developed as part of Phase 3 of the Australian Curriculum (Sydney Morning Herald, 21 November 2011).

Germany has a similar organisation for religious classes and philosophical ethics. Quebec, Canada has installed a compulsory ethics and global religions course across the province.

Impact of repealing the amendment

Cultural diversity, including religion and religious practices, has been part of Australia's history, and through it Australian culture is constantly evolving. The NSW Government consistently recognises and responds to the changing nature of the state's social environment through the development of responsive programs and policies.

The NSW Department of Education and Communities is strongly committed to the provision of quality education for children and young people which maximises their potential as valued, contributing Citizens' of NSW. This commitment is demonstrated through the broad and comprehensive range of education programs delivered in support of the diversity of NSW families. It is also demonstrated through the commitment to ongoing reforms to services and programs in public schools to enhance educational outcomes and opportunities for all students.

Offering ethics classes alongside special religious education classes provides an alternative which reflects the diversity of NSW. It provides a balanced approach that caters for the religious and social practices of our state and is supported by religious and non-religious stakeholders within the community.

The *Education Act 1990* articulates that education provided in NSW public schools is to consist of non-sectarian and non-secular instruction. Ethics classes provide an important choice for NSW public school parents whose children do not participate in special religious education. A repeal of the amendment will affect 150 schools if the program is discontinued and alternative arrangements will be required for approximately 3100 students who currently attend ethics classes.

The repeal of the legislation would be a significant issue for the supporters of ethics including the parents4ethics group. Parents who have made a decision for their children to attend ethics classes are likely to strongly oppose a repeal of the amendment.